

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 39

Special Meeting

November 16, 2004

Town Board Minutes

November 16, 2004

Meeting No. 39

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 16th day of November 2004, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ABSENT: MARK MONTOUR, COUNCIL MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE REVISIT OF THE
SEQR OF TIM HORTON'S RESTAURANT
SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the revisit of the SEQR of Tim Horton's Restaurant site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER MYSZKA
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
TIM HORTON'S RESTAURANT
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately .72 ± acres; the area of revisit is .01 acres.

The location of the premises being reviewed is situate at 496 Harris Hill Road, County of Erie, Town of Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No significant adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No significant adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No significant adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No significant adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy).

No significant adverse effects noted

- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

WHEREAS, the Municipal Review Committee for SEQR Review for the Town of Lancaster has duly reviewed the proposed widening of the access driveway on Genesee Street from 24' to 36' for the proposed Tim Horton's Restaurant at the intersection of Genesee Street and Harris Hill Road, and

WHEREAS, the Department of Transportation will not permit this wider access until the Town as lead agency has duly considered this proposed revision under an environmental review, and

WHEREAS, the Municipal Review Committee has given due review and consideration to the widening of this access point to Genesee Street and deems it to have no significant adverse environmental impact;

NOW, THEREFORE, BE IT

RESOLVED, that the Municipal Review Committee for the Town of Lancaster acting as lead agency approves the revision of the driveway access involving a widening of that access from 24' to 36' as on the submitted plan finding that there is no significant environmental impact by this revision and further duly adopts a negative declaration with regard to same.

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

November 16, 2004

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

November 16, 2004

The Notice of Determination was thereupon adopted.

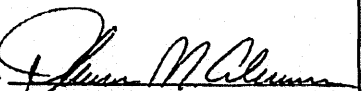
ADJOURNMENT:

ON MOTION OF PLANNING BOARD MEMBER SZYMANSKI AND
SECONDED BY COUNCIL MEMBER STEMPIAK FOR ADJOURNMENT OF THE
MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The meeting was adjourned at 6:39 P.M.

Signed


Johanna M. Coleman, Town Clerk



Town Board Minutes

**Meeting
No. 40**



Regular Meeting

November 16, 2004



Town Board Minutes

November 16, 2004

Meeting No. 40

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 16th day of November at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR, to deliberate in Executive Session for the announced purpose of discussing a particular personnel matter in the Police Department which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 8:55 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Chowanec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Questions/Comments regarding Columbia Gardens Subdivision.
- Questions about public informational meeting held by Erie County regarding Pleasant View Drive & Harris Hill Road intersection.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Planning Board and the Town Board held November 1, 2004 and the Regular Meeting of the Town Board held November 1, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town of Lancaster seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to implement a files management program on behalf of the Town's Police Department.

NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Education Department State Archives for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town of Lancaster seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to electronically scan architectural drawings, maps, and plans thereby improving access to these records.

NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Education Department State Archives for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2004, entitled "FEES.", which will amend the Code of the Town of Lancaster, by repealing, in its entirety, Section 20-5 (C) of Chapter 20 "Fire Prevention and Building Code" and replacing it with a new Section 20-5 (C) of Chapter 20 which reads as follows:

CHAPTER 20
FIRE PREVENTION AND BUILDING CODE

Permits; fees.

C. Fees.

Proposed

LOCAL LAW
2004

A LOCAL LAW ENTITLED "FEES." TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY REPEALING IN ITS ENTIRETY SECTION 20-5 (C), OF CHAPTER 20, "FIRE PREVENTION AND BUILDING CODE" AND REPLACING IT WITH A NEW SECTION 20-5 (C) OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

Section 1.

The Code of the Town of Lancaster is hereby amended by repealing Section 20-5 (C) entitled "Fees." of Chapter 20, "Fire Prevention and Building Code", and enacting in place thereof by a Local Law of the Year 2004 the following:

§20-5 (C) (1) **Fees.** The fee schedule shall hereinafter be applied to the inspection of each separate business, commercial or industrial use within a structure or building. These fees are due and payable upon the completion of the annual inspection and shall include one re-inspection if necessary.

<u>SQUARE FOOTAGE</u>	<u>FEE</u>
Up to 10,000	\$50
10,000 to 19,999	\$75
20,000 to 29,999	\$100
30,000 to 39,999	\$200
40,000 to 49,999	\$300
50,000 plus	\$400

(2) **Reinspection fee.** In the event that the Fire Inspector must undertake any re-inspection after a followup inspection to determine compliance, in such case each further re-inspection shall bear an additional fee equal to one-half (1/2) of the original fee.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of

the Year 2004, which local law repeals in its entirety Section 20-5 (C) entitled "Fees." of Chapter 20, "Fire Prevention and Building Code" of the Code of the Town of Lancaster, and enacts in place thereof a new Section 20-5 (C) of the said Code will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time, on the 6th day of December, 2004, and that Notice of the Time and Place of such Hearing shall be published on November 18, 2004, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of the proposed Local Law for the Year 2004, entitled: "Fees.", for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted November 16, 2004, the said Town Board will hold a Public Hearing on the 6th day of December, 2004, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2004, which Local Law repeals in its entirety, Section 20-5 (C) entitled "Fees" of Chapter 20, "Fire Prevention and Building Code" of the Code of the Town of Lancaster and enacts in place thereof a new Section 20-5 (C) entitled "Fees." of Chapter 20, "Fire Prevention and Building Code" of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW WHICH REPEALS SECTION 20-5 (C), OF
CHAPTER 20 OF THE CODE OF THE TOWN OF LANCASTER,
AND ENACTS IN PLACE THEREOF A NEW SECTION 20-5 (C),
ENTITLED "FEES."**

**"THIS LOCAL LAW WILL PROVIDE FOR AN INCREASE IN
THE FEES CHARGED BY THE TOWN FOR THE FIRE
INSPECTION OF COMMERCIAL OR INDUSTRIAL BUILDING
USES."**

A complete copy of this proposed Local Law of the Year 2004, entitled: "Fees." and further designated as Chapter 20-5 (C) of Chapter 20, of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

November 16, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2004, entitled "Aerial Maps - Site Plans and Rezone Applications", which will amend the Code of the Town of Lancaster by adding Section 50-42 (B) (1) (d) (2) and Section 50-43 (B) (4) (b) to Chapter 50 "Zoning", Article VIII, of the Code of the Town of Lancaster, which reads as follows:

Chapter 50

ZONING

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

Section 50-42. Amendment Procedure.

And

Section 50-43. Site Plan Review.

**Proposed
Local Law
Of the Year 2004**

A LOCAL LAW ENTITLED "AERIAL MAPS - SITE PLANS AND REZONE APPLICATIONS" TO AMEND THE CODE OF THE TOWN OF LANCASTER BY ADDING SECTION 50-42 (B) (1) (d) (2) AND SECTION 50-43 (B) (4) (b) TO CHAPTER 50 "ZONING", ARTICLE VIII OF THE TOWN CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

Section 1.

The Code of the Town of Lancaster is hereby amended by adding Section 50-42 (B) (1) (d) (2) and Section 50-43 (B) (4) (b) to Chapter 50 "Zoning", Article VIII of the Town Code, and enacting the Local Law of the Year 2004 entitled "Aerial Maps - Site Plans and Rezone Applications " which reads as follows:

§50-42. Amendment procedure.

B.

(1) Documents.

(d)

(2) An aerial map of the site to include an area within 3,000 feet of the proposed boundaries of the site being considered for rezone.

Section 2.

§50-43. Site plan review.

B. Site plan required information.

(4)

.(a)

(b) An aerial map of the site to include an area within 3,000 feet of the proposed boundaries of the site being considered for site plan.

**NOW, THEREFORE, BE IT
RESOLVED, as follows:**

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2004, entitled "Aerial Maps - Site Plans and Rezone Applications" which Local Law adds Section 50-42 (B) (1) (d) (2) and Section 50-43 (B) (4) (b) to Chapter 50 "Zoning", Article VIII of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:35 o'clock P.M., Local Time, on the 6th day of December, 2004, and that Notice of the Time and Place of such Hearing shall be published on November 18, 2004, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2004, entitled "Aerial Maps - Site Plans and Rezone Applications" available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted November 16, 2004, the said Town Board will hold a Public Hearing on the 6th day of December, 2004 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2004, entitled "Aerial Maps - Site Plans and Rezone Applications", which Local Law adds Section 50-42 (B) (1) (d) (2) and Section 50-43 (B) (4) (b) to Chapter 50 "Zoning" Article VIII of the Code of the said Town, briefly described as follows:

"A LOCAL LAW TO REQUIRE AN AERIAL MAP BE SUBMITTED TO THE BUILDING INSPECTOR ON THE SITE TO INCLUDE ANY AREAS WITHIN 3,000 FEET OF THE PROPOSED BOUNDARIES OF THE SITE BEING CONSIDERED FOR REZONE OR SITE PLAN."

A complete copy of this proposed Local Law of the Year 2004, entitled "Aerial Maps - Site Plans and Rezone Applications", and designated as Chapter 50 Section 50-42 (B) (1) (d) (2) and Section 50-43 (B) (4) (b) of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

November 16, 2004

File: rlocallawzoningaerialmaps1104

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster recognizes the need for the County Executive and the County Legislature to create a responsible budget, and

WHEREAS, the recent attempt by the Office of the County Executive to create such a budget by reducing or cutting expenditures for such crucial public services as snow plowing, police protection, libraries and cultural activities is not a reasonable approach to the budgetary dilemma, and

WHEREAS, the Town Board believes that the County Legislature and County Executive should confer with all state representatives in the County of Erie to lobby for the New York State Legislature to accept a greater share of the cost of Medicaid by increasing the state taxes imposed upon tobacco products, alcoholic beverages, hotel bed tax, and gasoline which will provide the state and counties with additional revenue to dedicate toward the cost of Medicaid thereby alleviating increased county property taxes to meet the state mandated county share of medicaid costs, and

WHEREAS, the Town Board also believes it critical that the NYS Legislature permit the County of Erie to increase its sales tax to 8.5% with the County of Erie to retain the additional .25% to be used as a dedicated source of revenue to supplement the cost of funding libraries, cultural service agencies and programs;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby memorializes New York State Governor George Pataki, New York State Senator Dale Volker, New York State Legislator Paul Tokasz, Erie County Executive Joel Giambra, Erie County Legislators Raymond Dusza and Denise Marshall, and the majority and minority leaders of the New York State Senate and Assembly to adopt the necessary legislation at both State and County levels to effectuate these respective taxes.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

File: rcountybudget1104

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Creekside Development, LLC, P.O. Box 190, Crittenden, New York 14038 has heretofore applied for approval of a single family residential subdivision to be known as "Whispering Pines" located on the east side of Aurora Street south of William Street, and

WHEREAS, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

WHEREAS, the Town acting as lead agency has completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations, and

WHEREAS, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the proposed single family residential subdivision plat as prepared by William Schutt & Associates, P.C. dated and filed with the Town Clerk on November 5, 2004 for the subdivision to be known as "Whispering Pines" for filing in the Eric County Clerk's office.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

File: rwhisperingpinesfinalplatapproval1104

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for one (1) athletic field groomer for use by the Parks Department, and

WHEREAS, bids were received, opened and reviewed on November 4, 2004, and

WHEREAS, the General Crew Chief by letter dated November 10, 2004 has recommended after considerable review of all bids an award to Grassland Equipment & Irrigation Corporation, 250 Lake Avenue, Blasdell, New York 14219, being the lowest responsible bidder in conformance with the bid specifications, in the amount of \$12,284;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for one (1) New and Unused athletic field groomer for use by the Parks Department to Grassland Equipment & Irrigation Corporation, 250 Lake Avenue, Blasdell, New York 14219 in the amount of \$12,284 in conformance with the specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

File: recdeptathleticfieldgroomer1004a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for one (1) new and unused stump grinder or one (1) demo stump grinder for use by the Parks Department, and

WHEREAS, bids were received, opened and reviewed on November 4, 2004, and

WHEREAS, the General Crew Chief by letter dated November 10, 2004 has recommended after considerable review of all bids an award to Vermeer Northeast, 1235 Route 9, Castleton, New York 12033, being the lowest responsible bidder in conformance with the bid specifications, in the amount of \$23,501.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for one (1) demo stump grinder for use by the Parks Department to Vermeer Northeast, 1235 Route 9, Castleton, New York 12033 in the amount of \$23,501 in conformance with the specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

File: recdeptstumpgrinder1004a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for one (1) new roller or one (1) demo roller for use by the Parks Department, and

WHEREAS, bids were received, opened and reviewed on November 4, 2004, and

WHEREAS, the General Crew Chief by letter dated November 10, 2004 has recommended after considerable review of all bids an award to Baschmann Services Inc., 1101 Maple Road, Elma, New York 14059 being the lowest responsible bidder in conformance with the bid specifications, in the amount of \$18,877.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for one (1) demo roller (Vibromax model 255) for use by the Parks Department to Baschmann Services Inc., 1101 Maple Road, Elma, New York 14059 in the amount of \$18,877 in conformance with the specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

File: rrecdeptroller1004a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated November 10, 2004, has recommended the appointment of individuals to the position of regular part time Tutor with the Youth Bureau of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the position of regular part time Tutor in the Town of Lancaster Youth Bureau, effective November 16, 2004, and that these appointments, being part time positions, provide no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees:

<u>NAME</u>	<u>RATE</u>
Karen McKernan 92 Kurtz Avenue Lancaster, New York 14086	\$15.00 per hr.
Robert Falk 229 Olmstead Avenue Depew, New York 14043	\$15.00 per hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

File: Rpers.tutor (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 11857 to Claim No. 12308 Inclusive

Total amount hereby authorized to be paid: \$543,735.81

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

12448	Forbes Homes Inc	6 Beatrix Cir	Er. Dwlg.-Sin.	
12449	Gregory, David	73 Steinfeldt Rd	Er. Shed	
12450	North Forest Properties	2801 Wehrle Dr	Er. Sign-Wall	
12451	North Forest Properties	2801 Wehrle Dr	Er. Sign-Wall	
12452	Alco Signs	52 Freeman Dr	Er. Sign	
12453	Campanella, Elizabeth	385 Harris Hill Rd	Er. Shed	
12454	Wilcox Bros Sign Co	3979 Walden Ave	Er. Sign	
12455	DiLapo James	2 Foreststream Dr	Er. Sign-Temp	
12456	Ferry Builders	138 Nichter Rd	Er. Dwlg.-Sin.	
12457	SBA Inc	933 Ransom Rd	Er. Com. Tower	
12458	Moeller Sign & Service	5430 Broadway	Er. Sign	(V/L)
12459	Caradori, Esther	78 Court St	Er. Fence	(V/L)
12460	Lukowski, Michael	30 Summerfield Dr	Er. Fence	
12461	Przybyla, Thomas	10 Ellicott Pl	Er. Garage	(V/L)
12462	Capital Fence Co Inc	1 Cloverfield Ct	Er. Fence	
12463	Ward, James	10 Peachtree Ct	Er. Shed	
12464	Wojtaszczyk, Kevin	135 Siebert Rd	Er. Fence	
12465	American Fence	14 Devonshire Ln	Er. Fence	
12467	Superior Decks	55 Madison St	Er. Res. Add.	(VL)
12468	Donlon, Greg	316 Westwood Rd	Er. Deck	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

File: Rbldg2

SUSPENDED RESOLUTIONS:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

Council Member Montour moved to suspend the necessary rules for immediate consideration of the following resolutions, seconded by Council Member Ruffino, which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has had submitted to it a revision of the site plan for the development of the Tim Horton's Restaurant at the intersection of Genesee Street and Harris Hill Road involving widening the access for ingress and egress on Genesee Street from 24' to 36', and

WHEREAS, the Municipal Review Committee of the Town of Lancaster has reviewed the widening of this access drive and has determined that there will be no significant adverse environmental impact, and

WHEREAS, the Town Board as lead agency agrees that there is no significant environmental impact as a result of this revision;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster as lead agency hereby issues a "Negative Declaration" with regard to the revision involving the widening of the driveway access to Genesee Street from 24' to 36' and further approves a revision of the site plan accordingly.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES

November 16, 2004

File: rtownboardtimhortonsdriveway1104a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Creekside Development LLC, 180 Genesee Street, Corfu, New York, 14036 has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Whispering Pines Subdivision, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 591, 592 and 593 of Creekside Development LLC, 180 Genesee Street, Corfu, New York, 14036, for the installation of:

P.I.P. No. 591
(Detention Basin)

Whispering Pines Subdivision; Americo Court,
Construct the detention basin as shown on the drawings.
This includes earthwork and topsoil and seeding.

P.I.P. No. 592
(Storm Sewer)

Whispering Pines Subdivision; Americo Court, install \pm 214 lf of 18", 868 lf of 15", 343 lf of 12", 815 lf of 10", 70 lf of 8", and 274 lf of 6" H.D.P.E. Also 3 ea 4' diam. manholes, 7 ea road receivers, 5 ea backyard receivers, and 15 ea yard drains.

P.I.P. No. 593
(Water Line)

Whispering Pines Subdivision; Americo Court, install \pm 1,670 lf of 8" c-900 pvc pipe, \pm 60 lf of 8" cl-52 M.J. pipe at the creek crossing, 3 ea fire hydrants, 1 ea 8" gate valve, and 1 ea 2" perm. blow off. The road bore of Aurora Street is included.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 16, 2004

File: RPIP (P2)

COMMUNICATIONS & REPORTS:

907. Ronald & Camille Surowick to Town Clerk -
Advisement of application for liquor license for Harris Hill Golf Center.
DISPOSITION = Town Attorney
908. Town Attorney to Town Board, Planning Board -
Notification that Clough, Harbour & Associates have determined the FEIS for proposed Pleasant Meadows Subdivision to be complete and acceptable for technical review.
DISPOSITION = Planning Committee
909. Town Clerk to Town Board -
Transmittal of application for renewal of License to Conduct a Salvage Yard from Advantage Trucks & Salvage, Inc. DISPOSITION = Town Attorney
910. Town Clerk to Town Board -
Transmittal of application for renewal of License to Conduct a Salvage Yard from Ed Henning Inc. DISPOSITION = Town Attorney
911. Town Clerk to Town Board -
Transmittal of monthly report for October 2004. DISPOSITION = Received & Filed
912. Erie County Department of Environment & Planning to Town Board -
Notice of Computer Recycling Drop-Off Day to be held December 11, 2004 at Erie County Community College, North Campus. DISPOSITION = Received & Filed
913. Christopher M. Kasprzyk to Supervisor -
Request for traffic signal at intersection of William Street and Park Edge Drive.
DISPOSITION = Erie County Highway Department
914. NYS DEC to Mr. Robert Schlossin, Creekside Development -
Acknowledgment of receipt of developer's Joint Application for Permit and affirmation of issuance of Water Quality Certification regarding proposed Whispering Pines Subdivision. DISPOSITION = Planning Committee
915. NYS DEC to Supervisor -
Notice of grant award for Town's Urban and Community Forestry Project.
DISPOSITION = Received & Filed
916. Association of Erie County Governments to Town Board -
Notice of meeting to be held Thursday, November 18, 2004, 7:00 PM, at Salvatore's Italian Gardens. DISPOSITION = Received & Filed
917. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Highway Superintendent, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held November 3, 2004.
DISPOSITION = Received & Filed
918. Planning Board to Town Board -
Recommend to deny rezone application for apartment buildings N/S of Broadway at Village line. DISPOSITION = Planning Committee
919. Melissa Farley to Town Clerk -
Advisement of application for liquor license for former Savannah's in Forestream Plaza.
DISPOSITION = Town Attorney
920. Village of Lancaster to Town Board -
Minutes of official meeting held October 25, 2004. DISPOSITION = Received & Filed
921. Town Line Volunteer Fire Department to Town Board -
Request Town Board to investigate membership applicants. DISPOSITION = Police Chief
922. Town Clerk to Town Board -
Transmittal of application for renewal of License to Conduct a Salvage Yard from Ransom Auto Parts, Inc. DISPOSITION = Town Attorney

923. Town Clerk to Town Board -
Transmittal of application for renewal of License to Conduct a Salvage Yard from J. Renkas & Sons, Inc. d/b/a AJ's Auto Wrecking. DISPOSITION = Town Attorney
924. General Crew Chief to Town Board -
Request resolution to award contract for athletic filed groomer, roller and stump grinder for use by the Parks & Recreation Department to the lowest responsible bidders.
DISPOSITION = Resolution 11/16/04
925. Bowmansville Volunteer Fire Association to Town Board -
Request confirmation of appointment of new members to the membership.
DISPOSITION = For Resolution
926. Executive Director Youth Bureau to Town Board
Request appoint of tutors for the Youth Bureau. DISPOSITION = Resolution 11/16/04
927. Erie County Dept. of Public Works, Division of Highways to Supervisor -
Notification of Public Hearing to be held November 10, 2004 regarding the design of intersection improvements at the intersection of Central Avenue and Pleasant View Drive.
DISPOSITION = Town Engineer

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MONTOUR, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the meeting was adjourned at 8:55 P.M. in memory of Howard Wittnauer.

Signed



Johanna M. Coleman, Town Clerk